SUBCHAPTER I—GENERAL

§ 4801. Findings and purposes

(a) Findings

The Congress finds and declares that—

(1) the United States has a crucial stake in the presence of United States Government personnel, representing United States interests abroad;

(2) conditions confronting United States Government personnel and missions abroad are fraught with security concerns which will continue for the foreseeable future; and

(3) the resources now available to counter acts of terrorism and protect and secure United States Government personnel and missions abroad, as well as foreign officials and missions in the United States, are inadequate to meet the mounting threat to such personnel and facilities.

(b) Purposes

The purposes of this chapter are—

(1) to set forth the responsibility of the Secretary of State with respect to the security of diplomatic operations in the United States and abroad;

(2) to maximize coordination by the Department of State with Federal, State, and local agencies and agencies of foreign governments in order to enhance security programs;

(3) to promote strengthened security measures and to provide for the accountability of United States Government personnel with security-related responsibilities;

(4) to set forth the responsibility of the Secretary of State with respect to the safe and efficient evacuation of United States Government personnel, their dependents, and private United States citizens when their lives are endangered by war, civil unrest, or natural disaster; and

(5) to provide authorization of appropriations for the Department of State to carry out its responsibilities in the area of security and counterterrorism, and in particular to finance the acquisition and improvements of United States Government missions abroad, including real property, buildings, facilities, and communications, information, and security systems.


REFERENCES IN TEXT

This chapter, referred to in subsec. (b), was in the original “titles I through IV”, meaning titles I through IV of Pub. L. 99–399, Aug. 27, 1986, 100 Stat. 855, known as the Diplomatic Security Act, which are classified principally to this chapter. For complete classification of titles I through IV of Pub. L. 99–399 to the Code, see Short Title note set out below and Tables.

AMENDMENTS

1994—Subsec. (b)(2) to (6). Pub. L. 103–236 struck out par. (2) and redesignated pars. (3) to (6) as (2) to (5), respectively. Prior to amendment, par. (2) read as follows: “to provide for an Assistant Secretary of State to head the Bureau of Diplomatic Security of the Department of State, and to set forth certain provisions relating to the Diplomatic Security Service of the Department of State:”.


EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–236 applicable with respect to officials, officers, and employees of the Department of State when executive orders, regulations, or departmental directives implementing the amendments by sections 161 and 162 of Pub. L. 103–236 become effective, or 90 days after Apr. 30, 1994, whichever comes earlier, and redesignated former par. (5) as (6), set out as a note under section 2651a of this title.

SHORT TITLE OF 1999 AMENDMENT


SHORT TITLE

Section 1 of Pub. L. 99–399 provided that: “This Act [enacting this chapter and sections 2656e, 2711, 2712, 2780, 3244, and 4901 to 4904 of this title, sections 5569 and 5570 of Title 5, Government Organization and Employees, sections 1051, 1095, and 2181 to 2185 of Title 10, Armed Forces, section 2331 of Title 18, Crimes and Criminal Procedure, section 1226 of Title 33, Navigation and Navigable Waters, sections 536 and 511 of Title 37, Pay and Allowances of the Uniformed Services, sections 2160b, 2160c, and 2169 of Title 42, The Public Health and Welfare, and sections 1801 to 1809 of Title 46, Appendix, Shipping; amending sections 300, 2151a, 2349aa–2, 2349aa–4, 2502, and 2405 of Title 50, War and National Defense; enacting provisions set out as notes under sections 2708 and 4901 of this title, section 5569 of Title 5, sections 133, 1051, 1095, and 2181 of Title 10, section 208 of Title 3, The President, sections 815 and 632 of Title 5, sections 2 and 11 of the Inspector General Act of 1978, Pub. L. 95–452, set out in the Appendix to Title 5, sections 793, 794, and 3671 of Title 18, and section 2405 of Title 50, Appendix, War and National Defense, enacting provisions set out as notes under sections 2708 and 4901 of this title, section 5569 of Title 5, sections 133, 1051, 1095, and 2181 of Title 10, section 559 of Title 37, section 2169 of Title 42, and section 1801 of Title 46, Appendix, and amending a provision set out as a note under section 2651 of this title] may be cited as the ‘Omnibus Diplomatic Security and Anti-terrorism Act of 1986.’”


§ 4802. Responsibility of Secretary of State

(a) Security functions

(1) The Secretary of State shall develop and implement (in consultation with the heads of other Federal agencies having personnel or missions abroad where appropriate and within the scope of the resources made available) policies and programs, including funding levels and standards, to provide for the security of United States Government operations of a diplomatic nature and foreign government operations of a diplomatic nature in the United States. Such policies and programs shall include—

(A) protection of all United States Government personnel on official duty abroad (other than Voice of America correspondents on official duty abroad) and United States citizens when their lives are endangered by war, civil unrest, or natural disaster; and

(B) the resources now available to counter acts of terrorism and protect and secure United States Government personnel and missions abroad, as well as foreign officials and missions in the United States, are inadequate to meet the mounting threat to such personnel and facilities.

§ 4802

See References in Text note below.

1 See References in Text note below.

2 So in original. Probably should be followed by "": and "".
Federal agencies with activities abroad (except for personnel and activities under the command of a United States area military commander or regional inspector general offices under the jurisdiction of the inspector general, for International Development).

(d) Federal agency

As used in this subchapter and subchapter III of this chapter, the term "Federal agency" includes any department or agency of the United States Government.


REFERENCES IN TEXT


AMENDMENTS

2002—Subsec. (a)(1)(A). Pub. L. 107–228 inserted "Voice of America correspondents on official assignment and" after "abroad (other than".


Pub. L. 103–236 designated existing provisions as par. (1), redesignated former pars. (1) to (4) as subpars. (A) to (D), respectively, and added par. (5).

1990—Subsecs. (b) to (d). Pub. L. 101–246 added subsec. (b) and redesignated former subsecs. (b) and (c) as (c) and (d), respectively.

1988—Subsec. (b)(2). Pub. L. 100–461 inserted "or regional inspector general offices under the jurisdiction of the Inspector General, Agency for International Development" after "commander", and substituted a period for "; and" at end.

Subsec. (b)(3). Pub. L. 100–461 struck out par. (3) which read as follows: "establish, notwithstanding any other provision of law, appropriate overseas staffing levels of the Regional Offices of the Inspector General of the Agency for International Development in effective consultation with the Inspector General of the Agency: Provided, That the authority of the Secretary of State shall be exercised only by the Secretary and shall not be delegated to a subordinate officer of the Department of State: Provided further, That the Inspector General must report to the appropriate committees of both Houses of the Congress within thirty days the denial by the Secretary of State of a request by the Inspector General to increase or reduce an existing position level of a regional office: Provided further, That the total number of positions authorized for the Office of the Inspector General in Washington and overseas shall be determined by the Inspector General within the limitation of the appropriations level provided."


EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–236 applicable with respect to officials, offices, and bureaus of Department of State when executive orders, regulations, or departmental directives implementing the amendments by sections 161 and 162 of Pub. L. 103–236 become effective, or 90 days after Apr. 30, 1994, whichever comes earlier, see section 161(b) of Pub. L. 103–236, as amended, set out as a note under section 263a of this title.

PERSONNEL SECURITY PROGRAM FOR EMBASSIES IN HIGH INTELLIGENCE THREAT COUNTRIES


(a) SPECIAL SECURITY PROGRAM.—The Secretary of State shall develop and implement, within three months after the date of enactment of this Act [Dec. 22, 1987], a special personnel security program for personnel of the Department of State assigned to United States diplomatic and consular posts in high intelligence threat countries who are responsible for security at those posts and for any individuals performing guard functions at those posts. Such program shall include—

(1) selection criteria and screening to ensure suitability for assignment to high intelligence threat countries;

(2) counterintelligence awareness and related training;

(3) security reporting and command arrangements designed to counter intelligence threats; and

(4) length of duty criteria and policies regarding rest and recuperative absences.

(b) REPORT TO CONGRESS.—Not later than 6 months after the date of enactment of this subchapter [Dec. 22, 1987], the Secretary of State shall report to the Congress on the special personnel security program required by subsection (a).

(c) DEFINITION.—As used in subsection (a), the term "high intelligence threat country" means—

(1) a country listed as a Communist country in section 620(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(f)); and

(2) any other country designated as a high intelligence threat country for purposes of this section by the Secretary of State, the Secretary of Defense, the Director of Central Intelligence, or the Director of the Federal Bureau of Investigation.

[Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director’s capacity as the head of the intelligence community deemed to be a reference to the Director of National Intelligence, Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director’s capacity as the head of the Central Intelligence Agency deemed to be a reference to the Director of the Central Intelligence Agency. See section 108(a), (b) of Pub. L. 104–416, set out as a note under section 501 of Title 50, War and National Defense.]
§ 4805. Cooperation of other Federal agencies

(a) Assistance

In order to facilitate fulfillment of the responsibilities described in section 4802(a) of this title, other Federal agencies shall cooperate (through agreements) to the maximum extent possible with the Secretary of State. Such agencies may, with or without reimbursement, provide assistance to the Secretary, perform security inspections, provide logistical support relating to the differing missions and facilities of other Federal agencies, and perform other overseas security functions as may be authorized by the Secretary. Specifically, the Secretary may agree to delegate operational control of overseas security functions of other Federal agencies to the heads of such agencies, subject to the Secretary's authority as set forth in section 4802(a) of this title. The agency head receiving such delegated authority shall be responsible to the Secretary in the exercise of the delegated operational control.

(b) Other agencies

Nothing contained in this chapter shall be construed to limit or impair the authority or responsibility of any other Federal, State, or local agency with respect to law enforcement, domestic security operations, or intelligence activities as defined in Executive Order 12333.

(c) Certain lease arrangements

The Administrator of General Services is authorized to lease (to such extent or in such amount as are provided in appropriation Acts) such amount of space in the United States as may be necessary for the Department of State to accommodate the personnel required to carry out this subchapter. The Department of State shall pay for such space at the rate established by the Administrator of General Services for space and related services.


§ 4806. Protection of foreign consulates

The Secretary of State shall take into account security considerations in making determinations with respect to accreditation of all foreign consular personnel in the United States.


AMENDMENTS

1994—Pub. L. 103–236 substituted “The Secretary of State shall take into account security considerations for—“The Chief of Protocol of the Department of State shall consult with the Assistant Secretary of Diplomatic Security”.

§ 4807. Establishment of Visa and Passport Security Program in the Department of State

(a) Establishment

There is established, within the Bureau of Diplomatic Security of the Department of State, the Visa and Passport Security Program (in this section referred to as the “Program”).

(b) Preparation of strategic plan

(1) In general

The Assistant Secretary for Diplomatic Security, in coordination with the appropriate officials of the Bureau of Consular Affairs, the coordinator for counterterrorism, the National Counterterrorism Center, and the Department of Homeland Security, and consistent with the strategy mandated by section 7201, shall ensure the preparation of a strategic plan to target and disrupt individuals and organizations, within the United States and in foreign countries, that are involved in the fraudulent production, distribution, use, or other similar activity—

(A) of a United States visa or United States passport;

(B) of documents intended to help fraudulently procure a United States visa or United States passport, or other documents intended to gain unlawful entry into the United States; or

(C) of passports and visas issued by foreign countries intended to gain unlawful entry into the United States.

(2) Emphasis

The strategic plan shall—

(A) focus particular emphasis on individuals and organizations that may have links to domestic terrorist organizations or foreign terrorist organizations (as such term is defined in section 1189 of title 8);

(B) require the development of a strategic training course under the Antiterrorism Assistance Training (ATA) program of the Department of State (or any successor or related program) under chapter 8 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2349aa et seq.) (or other relevant provisions of law) to train participants in the identification of fraudulent documents and the forensic detection of such documents which may be used to obtain unlawful entry into the United States; and

(C) determine the benefits and costs of providing technical assistance to foreign governments to ensure the security of passports, visas, and related documents and to investigate, arrest, and prosecute individuals who facilitate travel by the creation of

1 See References in Text note below.
false passports and visas, documents to obtain such passports and visas, and other types of travel documents.

(c) Program

(1) Individual in charge

(A) Designation

The Assistant Secretary for Diplomatic Security shall designate an individual to be in charge of the Program.

(B) Qualification

The individual designated under subparagraph (A) shall have expertise and experience in the investigation and prosecution of visa and passport fraud.

(2) Program components

The Program shall include the following:

(A) Analysis of methods

Analyze, in coordination with other appropriate government agencies, methods used by terrorists to travel internationally, particularly the use of false or altered travel documents to illegally enter foreign countries and the United States, and consult with the Bureau of Consular Affairs and the Secretary of Homeland Security on recommended changes to the visa issuance process that could combat such methods, including the introduction of new technologies into such process.

(B) Identification of individuals and documents

Identify, in cooperation with the Human Trafficking and Smuggling Center, individuals who facilitate travel by the creation of false passports and visas, documents used to obtain such passports and visas, and other types of travel documents, and ensure that the appropriate agency is notified for further investigation and prosecution or, in the case of such individuals abroad for which no further investigation or prosecution is initiated, ensure that all appropriate information is shared with foreign governments in order to facilitate investigation, arrest, and prosecution of such individuals.

(C) Identification of foreign countries needing assistance

Identify foreign countries that need technical assistance, such as law reform, administrative reform, prosecutorial training, or assistance to police and other investigative services, to ensure passport, visa, and related document security and to investigate, arrest, and prosecute individuals who facilitate travel by the creation of false passports and visas, documents used to obtain such passports and visas, and other types of travel documents.

(D) Inspection of applications

Randomly inspect visa and passport applications for accuracy, efficiency, and fraud, especially at high terrorist threat posts, in order to prevent a recurrence of the issuance of visas to those who submit incomplete, fraudulent, or otherwise irregular or incomplete applications.

(d) Report

Not later than 90 days after the date on which the strategy required under section 7201 is submitted to Congress, the Assistant Secretary for Diplomatic Security shall submit to Congress a report containing—

1. a description of the strategic plan prepared under subsection (b) of this section; and
2. an evaluation of the feasibility of establishing civil service positions in field offices of the Bureau of Diplomatic Security to investigate visa and passport fraud, including an evaluation of whether to allow diplomatic security agents to convert to civil service officers to fill such positions.


REFERENCES IN TEXT

Section 7201, referred to in subsecs. (b)(1) and (d), is section 7201 of Pub. L. 108–458, which enacted section 1776 of Title 8, Aliens and Nationality, and provisions set out as notes under section 1776 of Title 8 and sections 403–406 of Title 50, War and National Defense. Provisions relating to the strategy mandated by section 7201 are set out as a note under section 404 of Title 50.


SUBCHAPTER II—PERSONNEL

§ 4821. Diplomatic Security Service

The Secretary of State may establish a Diplomatic Security Service, which shall perform such functions as the Secretary may determine.


AMENDMENTS

1994—Pub. L. 103–236 amended section generally. Prior to amendment, section read as follows: “There shall be, within the Bureau of Diplomatic Security, the Diplomatic Security Service. The Diplomatic Security Service shall perform such functions as may be assigned to it by the Secretary of State.”

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–236 applicable with respect to officials, offices, and bureaus of Department of State when executive orders, regulations, or departmental directives implementing the amendments by sections 161 and 162 of Pub. L. 103–236 become effective, or 90 days after Apr. 30, 1994, whichever comes earlier, see section 161(b) of Pub. L. 103–236, as amended, set out as a note under section 2651a of this title.

§ 4822. Director of Diplomatic Security Service

Any such Diplomatic Security Service should be headed by a Director designated by the Sec-